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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/737,168

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Timothy Walker

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11/03/2006

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

HAVAN, THU THAO

ART UNIT

PAPER NUMBER

3691

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,168

Applicant(s)

WALKER, TIMOTHY

Examiner

Thu Thao Havan

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/10/06.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

Detailed Action

Response to Amendment

Claims 1-24 are pending. This action is in response to the remarks received August 10, 2006.

Response to Arguments

The rejection of claims 1-24 under 35 U.S.C. 102(e) as being unpatentable over Bennett et al. (US 2001/0039516) is maintained.

Applicant's arguments filed August 10, 2006 have been fully considered but they are not persuasive.

In response to the arguments concerning the previously rejected claims the following comments are made:

Applicant alleges that the prior art made of record fails to teach ranking said approved loans based on the revenue that each of said approved loans would generate for the dealership, thereby creating a list of approved loans. The examiner disagrees with applicant's representative since Bennett teaches ranking said approved loans based on the revenue that each of said approved loans would generate for the dealership, thereby creating a list of approved loans (fig. 13; para. 0047-0050; Bennett calculates best deal for buyers in relation to the approved loans). In other words, Bennett discloses category corresponding to rank when he states category as such may represent those good(s) and/or service(s) that the buyer could potentially finance if the buyer were to change one or more loan parameters, such as, for example, increasing the buyer's down payment or reducing a certain amount of the buyer's pre-existing debt. In that various

Art Unit: 3691

categories of products (ie. products corresponds to vehicle or any items) typically have different qualifications standards.

With regards to the claims rejected as taught by Bennett, the examiner would like to point out that the reference teaches the claimed limitations and thus provides adequate support for the claimed limitations. Therefore, the examiner maintains that Bennett taught the claimed limitations.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1-24** are rejected under 35 U.S.C. 102(e) as being anticipated by Bennett et al. (US 2001/0039516).

Re claim **1**, Bennett teaches an electronic vehicle loan approval system (para. 0016) comprising:

an electronic vehicle loan application, wherein the application permits entry of loan data and first vehicle data from a vehicle dealership (para. 0039 and 0017; Bennett discloses product of interest is an automobile or other vehicle and a lender may offer loans for specific manufacturer's products);

Art Unit: 3691

a credit score module comprising computer readable instructions configured to accept the loan data, process it in accordance with a predetermined credit score formula and provide a credit score for a consumer (para. 0055; figs. 3-5; Bennett discloses a credit rating engine is a credit score module);

a qualification module comprising computer readable instructions configured to electronically submit said credit score to a plurality of banks and receive a plurality of loan approvals based at least one of said banks (para. 0119 and 0059-0060); and

an ordering module comprising computer readable instructions for ordering the list of loans based on their value to the vehicle dealership (para. 0123 and 0119; Bennett discloses loan information is constructed/ordered and displayed).

Re claims **2** and **6**, Bennett teaches first vehicle data comprises the make, model, year and price of the automobile (para. 0039). Bennett discloses the product of interest is an automobile or other vehicle, a lender may only offer a certain interest rate (e.g., 2.9%) for a specific manufacturer's model (e.g., Ford Explorer).

Re claims **3** and **17-18**, Bennett teaches credit score module comprises instructions for retrieving a credit report on the consumer (para. 0050-0051).

Re claim **4**, Bennett teaches qualification module comprises a table of rules for approving loans (para. 0075 and 0098).

Re claim **5**, Bennett teaches qualification module comprises instructions for retrieving automobile data from an automobile inventory database (para. 0059 and 0039).

Re claims 7 and 21, Bennett teaches qualification module comprises instructions for determining whether the consumer qualifies through a second bank for a second vehicle (para. 0064).

Re claims 8, 12, 16, 22, and 24, Bennett teaches a computerized method of determining the most advantageous loan application for a vehicle dealership, comprising:

determining a credit score of an electronic vehicle loan application for a first vehicle submitted by a vehicle dealership (0055; 0039 and 0017; figs. 3-5; ; Bennett discloses product of interest is an automobile or other vehicle and a lender may offer loans for specific manufacturer's products. He discloses a credit rating engine that determines a credit score);

comparing the credit score with a predetermined lending criteria to determine if the loan application meets the lending requirements of one or more banks (fig. 1; Bennett discloses multiples lenders);

submitting the loan application to the one or more banks if the lending requirements have been met (para. 0074, 0119, and 0059-0060; Bennett evaluates loan approval);

receiving a denial of the loan application from at least one of the one or more banks, wherein responsive to said denial, a second vehicle is selected from an inventory of vehicles (para.);

resubmitting the loan application for the second vehicle to the bank that denied the loan application for the first vehicle (para. 0099 and 0055; Bennett discloses buyer is not qualified as meaning denial of the loan application.);

receiving a plurality of loan approvals from said one or more banks (figs. 10 and 5; Bennett discloses multiples loan approvals); and

ranking said approved loans based on the revenue that each of said approved loans would generate for the dealership, thereby creating a list of approved loans (fig. 13; Bennett calculates best deal for buyers in relation to the approved loans).

Re claims **9, 13, and 19**, Bennett teaches credit score is determined by a credit agency (para. 0064). Bennet discloses a third party credit agency obtains buyer credit information from the credit reporting database.

Re claims **10, 14, 20, and 23**, Bennett teaches denial of the loan application comprises receiving a reason code that explains the rationale for the denial (para. 0099 and 0055). Bennett discloses buyer is not qualified as meaning denial of the loan application.

Re claims **11 and 15**, Bennett teaches a database of vehicles (para. 0051-0052). Bennett discloses lender's loan database in relation to vehicles.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH
10/26/2006



HANI M. KAZIMI
PRIMARY EXAMINER